

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

July 9, 2012

TO: Rosemary Booth Gallogly

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday,

June 28, 2012. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin and William Jeffery. Also present, Marcy Coleman, Esq., Division of Legal Services.

Lt. David Doucet of the Rhode Island State Police has recused himself from the dealer hearing board while on special assignment the Department of Motor Vehicles Enforcement Division until further notice.

**MEETING OF JUNE 28 2012 AT 9:00 AM AT THE
DIVISION OF MOTOR VEHICLES –3RD. FLOOR, CONFERENCE ROOM
600 NEW LONDON AVENUE, CRANSTON, RI 02920**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF: JUNE 14,
2012 BOARD HEARING**

Minutes have been reviewed and accepted by the board.

**2. STEVEN DAVIS AUTOMOTIVE, INC d/b/a STEVIE D'S AUTO SALES
AND SERVICE (Steven M. Davis, Pres)**

ANNEX APPLICATION- CASE # KR-12-201

TO DEAL IN USED MOTOR VEHICLES ONLY

AT: 250 OAKLAND BEACH AVENUE, WARWICK, RI 02889

MAIN: LOCATED AT 2570 WARWICK AVENUE, WARWICK, RI 02889

Decision: The Board has approved the annex application.

**3. INTERNATIONAL MOTOR GROUP MAIN & ANNEX (Leonardo
Petrone, Pres.)**

**REQUEST FOR 4 ADDITIONAL USED DEALER PLATES – CASE #
KR-12-161**

LICENSED SINCE 10-20-81; HAS 6 PLATES.

Decision: The Board has approved the four additional dealer plates subject to maintaining the current level of employees and sales.

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4. RENES MENDEZ VS SUNSET AUTO SALES, INC (Carlos Baez, Pres.)

SURETY BOND ACTION – CASE # DS-12-128

The Board has determined this case must be rescheduled because the complainant was unable to attend the hearing.

5. CHELSEA A MURPHY VS SHANNON MOTORS MAIN (John Gosselin, Pres. K. Joseph Shekarchi, Esq.)

COMPLAINT / SHOW CAUSE HEARING – CASE # DS-12-055

1ST CONTINUED HEARING

Decision: The Board has ordered the dealership to replace the catalytic converter and to repair the oil leak at no charge to the consumer.

6. DEALERS; LICENSE & REGULATIONS OFFICE VS. CASALE AUTO

SALES & BODY, INC. (Karen casale, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-139

Decision: The Board has determined that Casale Auto Sales and Body Inc. is in violation of the following Rhode Island Rules and Regulations and Rhode Island General Laws and is required to pay the amounts listed below which total \$650.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$50.00: Violation of RI Rules and Regulations Section VII (H): Misuse of dealer plate.

Fine: \$50.00: Violation of RIGL§31-3-20.1: Misuse of loaner agreements.

Fine: \$550.00: (11 violations x \$50.00per violation): Violation of Rules and Regulations Section VI (L): Allowing non-employees to conduct business for the dealership.

The Board has determined that the dealer plate, 352F, confiscated by the police should be returned to the dealership

7. NICOLE TRAINOR VS JDJ AUTO SALES (Paul E. Picerne, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-11-263

5TH RESCHEDULED HEARING

Decision: The Board has determined that JDJ Auto Sales is in violation of the following Rhode Island Rules and Regulations and RI General Laws and is required to pay the amounts listed below which total \$100.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$50.00: Violation of Rules and Regulations Section VI (L): Allowing non-employees to conduct business for the dealership.

Fine: \$50.00: Violation of RI Rules and Regulations Section VII (E): No statement for state inspection requirement on the bill of sale.

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The Board has ordered the dealership to buy back the vehicle at the purchase cost of \$1350.00 because the dealership failed to inspect the vehicle prior to the sale in violation of RI Rules and Regulations Section VI (R).

The Board has also determined that the dealership is in violation of Rhode Island General Law§ 3-5-11(10), for having indulged in unconscionable practice relating to business as a motor vehicle dealer and therefore their license, number 572, should be suspended and returned with the dealer plates 462 A, B and C to the RI Dealers

License and Regulations Office to be held there until they complete an audit of the dealerships records and create a business plan both of which must be approved by the Dealer Hearing Board.

8. STEPHANIE TALLO VS GLOBAL AUTO SALES (Mark Tantimonaco, Owner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-073

The legal representative for Global Auto Sales advised the Board that the case was settled prior to the hearing as a result of a \$1000.00 payment being made to the complainant by the dealership.

Decision: The Board has determined that Global Auto Sales is in violation of the following Rhode Island Rules and Regulations and RI General Laws and is required to pay the amounts listed below which total \$1000.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$500.00: (10 violations x \$50.00per violation): Violation of Rules and Regulations Section VI (L): Allowing non-employees to conduct business for the dealership.

Fine: \$500.00: Violation of Rhode Island General Law§ 3-5-11(10), for having indulged in unconscionable practices relating to business as a motor vehicle dealer.

9. GENTRY, INC/Brian Crum VS. COMMERCIAL MOTORS, LLC (Peter Archambault, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE# DS-12-135

Decision: The Board has determined that Commercial Motors LLC is in violation of the following Rhode Island Rules and Regulations and RI General Laws and is required to pay the amounts listed below which total \$100.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$50.00: Violation of RI Rules and Regulations Section VI (R): Failing to inspect vehicle prior to selling it.

Fine: \$500.00: (11 violations x \$50.00per violation): Violation of Rules and Regulations Section VI (L): Allowing non-employees to conduct business for the dealership.

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The Board will allow the following options to the consumer to allow him to choose the solution concerning the status of the vehicle.

Option 1: The dealership will buy back the vehicle for \$8000.00.

Option 2: The dealership will pay the consumer \$750.00 for the 50% cost of a used turbo and installation that was previously negotiated and the consumer will retain ownership of the vehicle.

10. DIANE DELOMBA VS C & N AUTO SALES & SERVICE (Charles Barron, Partner)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-084

Postponed at the request of the attorney for the dealership, Joseph P. De Stefano, Esq., to allow time for the parties to resolve the complaint.

11. JENNIFER CONLEY VS WALLY'S AUTO SALES, LTD (Walid Narhoul, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE # KR-12-171

Decision: The Board has determined that Wally's Auto Sales, LTD is in violation of the following Rhode Island Rules and Regulations and RI General Laws and is required to pay the amounts listed below which total \$600.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$50.00: Violation of RI Rules and Regulations Section VI (R):

Failing to inspect vehicle prior to selling it.

Fine: \$300.00: (6 violations x \$50.00per violation): Violation of Rhode Island Rules and Regulations Section VI (L): Allowing non-employees to conduct business for the dealership.

Fine: \$250.00: Violation of Rhode Island Rules and Regulations Section IX (A):

Dealership failed to use the company name on the internet advertisements.

The Board has determined that the dealership must buy back the vehicle for the original purchase price of \$3000.00 because of their failure to inspect the vehicle prior to the sale.

The Board has ordered the dealership to set up a meeting with the Dealers License and Regulations Office to review their documentation and their business plan.

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**12. DEALERS LICENSE & REGULATIONS OFFICE VS. AMERICAR
SALES & COLLISION CENTER, INC. (Domenic S. Coccia, Jr. Pres.)
SHOW CAUSE HEARING – CASE # DS-12-101**

Decision: The Board has revoked the license, number 80, to sell used motor vehicles which must be returned to the RI Dealers License and Regulations Office with the dealer plates, 183A,B and C because they have vacated their place of business and do not respond to mail or phone request for information.

Walter Craddock, Jr. Esq., Chairman

**Cc: John DiTomasso, Assistant Administrator, DMV
Marcy Coleman, Esq., Division of Legal Services
File**